

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Multi-Association Group (MAG) Plan for	)	CC Docket No. 00-256
Regulation of Interstate Services of Non-Price	)	
Cap Incumbent Local Exchange Carriers and	)	
Interexchange Carriers	)	
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Access Charge Reform for Incumbent Local	)	CC Docket No. 98-77
Exchange Carriers Subject to Rate-of-Return	)	
Regulation	)	
	)	
Prescribing the Authorized Rate of Return for	)	CC Docket No. 98-166
Interstate Services of Local Exchange Carriers	)	

**REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION**

CenturyTel, Inc. (“CenturyTel”) through its attorneys, hereby replies to the oppositions to its Petition for Reconsideration (“Petition”) submitted by the Rural Consumer Choice Coalition (“RCCC”) and the Competitive Universal Service Coalition (“CUSC”) on February 14, 2002.

No party has offered any substantial rebuttal to CenturyTel’s arguments that: (1) the *MAG Order*<sup>1</sup> failed to achieve the Commission’s revenue-neutrality goals for rate-of-return carriers because it failed to accommodate states that mirror federal traffic-sensitive access charges; and (2) the *MAG Order* violated the mandate of *Qwest Corp. v. FCC*, 258 F.3d 1191, 1203-04

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<sup>1</sup> *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, et. al.*, Second Report and Order and Further Notice of Proposed Rulemaking in CC Docket No. 00-256, Fifteenth Report and Order in CC Docket No. 96-45, and Report and Order in CC Docket Nos. 98-77 and 98-166, FCC 01-304, 16 FCC Rcd 19613 (2001).

(10<sup>th</sup> Cir. 2001) because it failed to afford such “mirroring” states time to adjust to the Commission’s changes in federal universal service policy.

To the contrary, the RCCC and the CUSC rely on sweeping statements opposing any rollback of the shift of cost recovery from traffic-sensitive to common-line charges, and from carrier-paid to consumer-paid charges, that occurred on January 1.<sup>2</sup> These Oppositions fail to respond with any analysis of the very real anomalies identified by CenturyTel in its Petition. They ignore the fact that CenturyTel’s Petition does not seek fundamental changes in the Commission’s decision. Rather, CenturyTel seeks an opportunity to work with affected state commissions to develop appropriate changes in state policies that make sense *in light of* the federal rule changes.

This lack of substantial opposition to CenturyTel’s request supports the simple proposition that, when the Commission undertakes changes to federal universal service policy that compel state action, it must “develop mechanisms to induce [such] state action.” *Qwest*, 258 F.3d at 1203. Indeed, the *Qwest* Court specifically held that “the Act requires the FCC to base its policies on the principle that there should be sufficient state mechanisms to promote universal service. Thus, the FCC must ensure that these mechanisms exist.” *Id.*

While CenturyTel focused on Arkansas and Ohio in its petition, mirroring issues are not limited to those two states. CenturyTel has found that another state it serves, Indiana, also uses a mirroring mechanism to set state traffic-sensitive access rates. While an exact count is difficult to develop, CenturyTel estimates that approximately eight to twelve states nationwide are affected in this way.

The RCCC’s naked allegation that a brief delay in the implementation of the *MAG Order*’s interstate access charge reforms would cause “substantial harm” to unspecified “other

parties” should be given no weight. The RCCC identifies neither the harms it fears nor the parties that might potentially be affected. Such unsupported complaints cannot overcome the clear command of the *Qwest* Court. Moreover, contrary to the RCCC’s suppositions, CenturyTel has not been inattentive to the impact the *MAG Order* is having at the state level. In addition to its Petition for Reconsideration before the Commission, it has been working diligently at the state level since the *MAG Order* was adopted. State rate cases, however, do not take place over a matter of days or weeks. In CenturyTel’s case, and as example explained in its Petition, the Arkansas Commission conducts rate cases on a 10-month schedule.

For the foregoing reasons, CenturyTel urges the Commission to reconsider the rules adopted in the *MAG Order* to the extent indicated in its Petition for Reconsideration in this matter.

Respectfully submitted,

CENTURYTEL, INC.

John F. Jones  
Vice President, Federal Government Relations  
CENTURYTEL, INC.  
100 Century Park Drive  
Monroe, Louisiana 71203  
(318) 388-9000

/s/ Richard R. Cameron  
Karen Brinkmann  
Richard R. Cameron  
LATHAM & WATKINS  
Suite 1000  
555 Eleventh Street, N.W.  
Washington, D.C. 20004-1304  
(202) 637-2200

Counsel for CENTURYTEL, INC.

March 1, 2002

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<sup>2</sup> Indeed, the CUSC devotes only a single footnote to CenturyTel’s petition, making its basis for opposing CenturyTel’s Petition less than clear.